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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,280	07/28/2003	Kenneth S. Goss	1580.0200011	5186
7590 Raymond M. Galasso Simon, Galasso & Frantz PLC P.O. Box 26503 Austin, TX 78755-0503			EXAMINER HOSSAIN, TANIM M	
			ART UNIT 2445	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/628,280

**Applicant(s)**

GOSS ET AL.

**Examiner**

Tanim Hossain

**Art Unit**

2445

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-19, 21-27, 29-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 and 35-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 18, 19, 21-27, 29-34, 43, 44 and 46-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-9, 18, 19, 21-27, 29-34, 43, 44, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouchier (U.S. 6,725,317) in view of Johnson (U.S. 2002/0042896) in further view of Braun (U.S. 7,017,085).

As per claim 1, Bouchier teaches a method for facilitating system management in a data processing system, comprising: tracking status information of a primary system component of a platform side operating system in a data processing system, wherein said tracking is facilitated by a service processor of the data processing system (Abstract; column 2, lines 37-59), wherein a redundant system component is configured for providing functionality provided by the primary system component (column 3, lines 7-10); and configuring the platform-side operating system dependent upon said status information, wherein said configuring includes causing said functionality to be provided by the redundant system component, wherein said configuring is facilitated by a boot-time portion of platform firmware of data processing system (column 6, lines 27-67; columns 14, lines 40-49; column 17, lines 20-31). Though suggested, Bouchier does not specifically teach that the status information of the redundant system component is tracked

simultaneously with the primary system component. Johnson teaches the simultaneous monitoring of primary and redundant system components (Abstract, 0032, 0060-0063, 0111-0116). It would have been obvious to one of ordinary skill to include the ability to simultaneously monitor system components, as taught by Johnson in the system of Bouchier. The motivation for doing so lies in the fact that simultaneous monitoring would enable the system to discern the health of all components, so as to determine whether a switchover from one component to another would be advisable, for example. Both inventions are from the same field of endeavor, namely the monitoring of operating system components. Bouchier-Johnson does not specifically teach that the status is tracked during a first instantiation of the operating system, and that when a reboot occurs, the operating system is configured to cause system functionality to be provided by the redundant system component during a second instantiation of the operating system, where the firmware accesses status information from the service processor prior to the reboot of the operating system. Braun teaches the monitoring of system components during a first instantiation of an operating system, and after a reboot, the operating system is configured dependent upon status information, where the configuring causes the system functionality to be provided by the redundant system component during the second instantiation of the operating system, through the firmware accessing the status information before the reboot is completed, as claimed (Abstract; column 2, line 54 - column 3, line 9; column 5, lines 10-61; column 9, lines 8-46; column 11, lines 56-63; column 12, lines 39-55). It would have been obvious to one of ordinary skill to include the monitoring, rebooting, and switchover process, as taught by Braun, into the system of Bouchier-Johnson. The motivation for doing so lies in the fact that viewing system conditions, and in response rebooting the system to employ a redundant component

would enable more seamless system functioning, as the component usage would be reflective of the appropriate operating system conditions, for example. All inventions are from the same field of endeavor, namely system monitoring.

As per claim 2, Bouchier-Johnson-Braun teaches the method of claim 1 wherein said tracking includes: probing a device driver associated with the system component (Johnson: 0006); and receiving said status information from the device driver (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 4, Bouchier-Johnson-Braun teaches the method of claim 1 wherein: accessing said status information includes transmitting at least a portion of said status information of at least one of said system components at boot-time by the service processor for reception by said boot-time firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 5, Bouchier-Johnson-Braun teaches the method of claim 4 wherein said transmitting includes transmitting over a network connection (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 6, Bouchier-Johnson-Braun teaches the method of claim 3 wherein: configuring the platform-side operating system includes a run-time portion of said platform firmware accessing at least a portion of said status information of at least one of said system components from within a persistent data structure that is accessible by the run-time portion of said platform firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116; Braun: column 11, lines 56-63; column 12, lines 39-55).

As per claim 7, Bouchier-Johnson-Braun teaches the method of claim 1 wherein said tracking includes: querying a device driver associated with the primary system component after an adverse operating system condition for determining if the primary system component contributed to the adverse operating system action and implementing a specified corrective action involving the primary system component in response to a determination that the primary system component contributed to the adverse operating system condition (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 8, Bouchier-Johnson-Braun teaches the method of claim 1 wherein said tracking includes: determining that the redundant system component is idle during a present operating system instantiation (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); monitoring status of the redundant system component during the present operating system instantiation (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and implementing a specified corrective action involving the redundant system component in response to a determination that the redundant system component is at least temporarily unable to provide intended redundancy functionality (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 9, Bouchier-Johnson-Braun teaches the method of claim 1, further comprising: receiving user-specified configuration information via a service processor based user interface (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); and transmitting at least a portion of said user-specified configuration information by the service processor for reception by said platform firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116); wherein said configuring is further dependent at least partially upon

said user-specified configuration information (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

Claims 26, 27, and 29-34 are rejected on the same bases as claims 1, 2, and 4-9, as the instant claims disclose limitations similar to the earlier claims.

As per claim 18, Bouchier-Johnson-Braun teaches a method for facilitating system management in a data processing system, comprising: accessing status information of a primary system component of a platform-side operating system in a data processing system (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116; Braun: Abstract; column 2, line 54 - column 3, line 9; column 5, lines 10-61; column 9, lines 8-46; column 11, lines 56-63; column 12, lines 39-55); accessing status information of a redundant system component of the platform-side operating system in the data processing system in combination with accessing said status information of the primary system component, wherein the redundant system component is configured for providing functionality provided by the primary system component during a first instantiation of the platform side operating system (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116; Braun: Abstract; column 2, line 54 - column 3, line 9; column 5, lines 10-61; column 9, lines 8-46; column 11, lines 56-63; column 12, lines 39-55); and in conjunction with performing reboot of the platform-side operating system for providing a second instantiation of the platform-side operating system after termination of the first instantiation of the platform-side operating system, a boot-time portion of platform firmware of the data processing system configuring the platform-side operating system dependent at least partially upon said status information of at least one of said system components, wherein said configuring

is performed in conjunction with the boot-time portion of said platform firmware accessing said status information from the service processor prior to said reboot of the platform-side operating system being completed (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116; Abstract; column 2, line 54 - column 3, line 9; column 5, lines 10-61; column 9, lines 8-46; column 11, lines 56-63; column 12, lines 39-55).

As per claim 19, Bouchier-Johnson-Braun teaches the method of claim 18 wherein said accessing is facilitated in response to said status information of at least one of said system components being transmitted by a service processor of the data processing system for reception by the boot-time portion of said platform firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 21, Bouchier-Johnson-Braun teaches the method of claim 18 wherein said accessing includes receiving at least a portion of said status information of at least one of said system components via a network connection (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 22, Bouchier-Johnson-Braun teaches the method of claim 18 wherein: said accessing includes accessing at least a portion of said status information of at least one of said system components in a persistent data structure maintained at least partially by the service processor and accessible by a run-time portion of said platform firmware (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 23, Bouchier-Johnson-Braun teaches the method of claim 18, further comprising: receiving user-specified configuration information transmitted by the service processor for reception by the platform firmware, wherein said configuring is further dependent



at least partially upon said user-specified configuration information (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 24, Bouchier-Johnson-Braun teaches the method of claim 18, wherein: said configuring includes implementing a specified corrective action for the particular redundant system component in response to said status information of the redundant system component indicating that the particular redundant system component is unavailable to provide intended redundancy functionality (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

As per claim 25, Bouchier-Johnson-Braun teaches the method of claim 24 wherein the specified corrective action includes at least one of issuing notification of the unavailability of the redundant system component and issuing notification to repair or replace the redundant system component for maintaining fail-over capability (Bouchier: Abstract; column 3, lines 7-10; Johnson: 0032, 0111-0116).

Claims 43, 44, and 46-50 are rejected on the same bases as claims 18, 19, and 21-25, as the instant claims disclose limitations similar to the earlier claims.

### ***Response to Arguments***

Applicant's arguments filed on May 18, 2009 have fully been considered and are respectfully traversed by the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571/272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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